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09/384,699	08/27/1999	HONG-YI TZENG		8172

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/384,699

Applicant(s)

TZENG ET AL.

Examiner

George Neurauter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities:

On page 18, line 10, remove "there".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 1 and 7, the Examiner cannot ascertain what quantity of requests is required to trigger the assignment of a sequence number to a data message from the data servers.

Regarding claims 6 and 12, the Examiner does not understand the use of garbage collection and message consolidation within these embodiments and, further, what these elements add to the function of the invention. Further regarding claim 6, the limitation "checkpoint servers" does not have any functional limitations disclosed and therefore one skilled in the art would not be able to know how to use the checkpoint servers within this embodiment.

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Regarding claim 15, the limitation “said first asynchronous member not being said sequencer or one of said data or commit servers” is not concise or exact since the “asynchronous member” could be the “one or more clients” or the “one or more checkpoint servers”.

Regarding claims 17 and 18, the Examiner does not understand the limitation “said logical timestamp including a most recent sequences number known to the original sender of each said data message when said each data message was first sent.” Based on the Examiner’s understanding, claim 7, on which claim 18 depends, recites that the sequencer assigns sequence numbers, not an original sender when the message is first sent as claimed in claims 17 and 18.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

In claims 1 and 7 and all subsequent dependent claims, the limitation “members of a multicast group” is vague since the “client” element within the “group” do not have any associated limitations and their purpose within the invention is not known.

Also, the Applicant recites in claim 16 “said first asynchronous process retrieving all committed data messages following terminal data message corresponding to the first checkpoint...” The word “following” does not make grammatical or common sense since, in

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view of the Examiner interpretation of the invention by reading the claims, it would follow that the data messages to be retrieved are the ones before the terminal data message.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Naron et al. [US Patent 4 807 224 A].

Regarding claim 1, Naron discloses a method for multicasting data messages to members of a multicast group, the multicast group comprising a sequencer, one or more clients, one or more data servers, and one or more commit servers, the method comprising the steps of:

transmitting a first data message to the members of the multicast group; each data server that receives the first data message requesting the sequencer to assign a first sequence number to the first data message, the first sequence number being from a sequence of numbers allocated to the data messages, said first sequence number following all sequence numbers assigned prior to assignment of the first sequence number; assigning the first sequence number to the first data message, in response to the sequencer receiving a first quantity of the requests to assign a first sequence number to the first data message; notifying the commit servers of the assignment of the first sequence number to the first data message; each of the commit servers sending to the sequencer an acknowledgment of the notification of the assignment of the first sequence number to the first data message, in response to being notified of the assignment of the first sequence

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number to the first data message; committing the first sequence number to the first data message, in response to the sequencer receiving a second quantity of the acknowledgments of the notification of the assignment of the first sequence number to the first data message; and informing the members of the multicast group of the commitment of the first sequence number to the first data message. [column 5, lines 22-47; column 8, line 50-column 9, line 12]

Claim 7 is rejected under 35 USC 102(b) since claim 7 contains the same limitations as recited in claim 1.

Regarding claim 2, Naron discloses a method according to Claim 1, wherein said step of each data server that receives the first data message requesting the sequencer to assign a first sequence number to the first data message includes the step of sending, from said each data server that receives the first data message to the sequencer, a data report message identifying the first data message; said step of notifying the commit servers of the assignment of the first sequence number includes the step of submitting to the commit servers a commit submit message identifying the first data message; said step of sending to the sequencer an acknowledgment of the notification of the assignment of the first sequence number includes the step of sending to the sequencer a commit acknowledge message identifying the first data message; and said step of informing the members of the multicast group of the commitment of the first sequence number includes the step of sending a commit message identifying the first data message to the members of the multicast group. [column 8, line 62-column 9, line 12]

Regarding claim 3, Naron discloses a method according to Claim 2, further comprising the step of transmitting a second data message to the members of the multicast group; wherein said step of sending, from said each data server that receives the first data message to the

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sequencer, a data report message identifying the first data message further includes the step of a first data server sending a first data report message identifying the first data message to the sequencer after said first data server receives the second data message, said first data report message also identifying the second data message. [column 8, line 62-column 9, line 12]

Regarding claim 4, Naron discloses a method according to Claim 2, further comprising the steps of transmitting a second data message to the members of the multicast group; each data server that receives the second data message requesting the sequencer to assign a second sequence number, the second sequence number being from the sequence of numbers allocated to the data messages, said second sequence number following all sequence numbers assigned prior to assignment of the second sequence number, to the second data message, said step of each data server that receives the second data message requesting the sequencer to assign a second sequence number to the second data message, includes the step of sending from said each data server that receives the second data message to the sequencer a data report message identifying the second data message; assigning the second sequence number to the second data message, in response to the sequencer receiving a third quantity of the requests to assign a second sequence number to the second data message; wherein said step of notifying the commit servers of the assignment of the first sequence number further includes the step of notifying the commit servers of the assignment of the second sequence number, said commit submit message identifying the first data message also identifying the second data message. [column 8, line 62-column 9, line 12]

Regarding claim 5, Naron discloses a method according to Claim 2, wherein the members of the multicast group deliver the data messages to their respective upper layer applications in

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order of progressing sequence numbers, further including the step of using a receiver driven, negative acknowledgment based approach to improve reliability of delivery of the data messages. [column 18, lines 15-47]

Regarding claim 6, Naron discloses a method as in any one of Claims 1-5, wherein said data servers store said data messages transmitted to the multicast group, the multicast group further comprising checkpoint servers, the method further including the steps of step for message consolidation; step for garbage collection; and step for storing said first sequence number in stable storage. [column 5, lines 22-47; column 14, lines 13-27; column 19, lines 21-38]

Claim 8 is rejected under 35 USC 102(b) since claim 8 contains the same limitations as recited in claims 5 and 6 in combination.

Claim 12 is rejected under 35 USC 102(b) since claim 12 contains the same limitations as recited in claim 6.

Regarding claim 9, Naron discloses a method according to Claim 8, wherein said each data message is associated with a unique message ID and is identifiable from its associated message m, the step of using further includes the steps of each member of the multicast group identifying gaps in a progression of sequence numbers known by said each member of the multicast group to have been committed to data messages received by said each member of the multicast group; if said each member of the multicast group does not know a first message m, said first message m being associated with a first data message, a first sequence number within one of said gaps having been previously committed to said first data message, said each member of the multicast group querying one of said commit servers to obtain said first message ID; and if said each member of the multicast group has not received said first data message, querying one



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of said data servers to retrieve said first data message. [column 5, lines 22-47, specifically lines 37-47]

Claim 10 is rejected under 35 USC 102(b) since claim 10 contains the same limitations as recited in claim 9.

Regarding claim 11, Naron discloses a method according to Claim 10, further comprising the step of said sequencer periodically generating and sending heartbeat messages to the members of the multicast group, each said heartbeat message containing an associated largest sequence number, said associated largest sequence number being the last sequence number committed at a time substantially equal to a time said heartbeat message is generated. [column 9, line 28-column 12, line 3]

Regarding claim 13, Naron discloses a method according to Claim 8, wherein the multicast group further comprises one or more checkpoint servers, the method further comprising the step of performing periodic message consolidation by said checkpoint servers at message intervals determined through a common consensus protocol, each message consolidation producing a checkpoint associated with said each message consolidation, said checkpoint associated with said each message consolidation corresponding to a terminal data message, said checkpoint associated with said each message consolidation containing checkpoint information, the checkpoint information being sufficient for a first upper layer application of said upper layer applications to reconstruct a cumulative system state said first upper layer application would attain upon receiving said terminal message and all said data messages that preceded said terminal message. [column 5, lines 22-47, specifically lines 37-47; column 9, line 28-column 12, line 3, specifically column 10, line 46-column 11, line 4]

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Regarding claim 14, Naron discloses a method according to Claim 13, further comprising the step of said checkpoint servers periodically generating and sending checkpoint reports to said sequencer, each checkpoint report corresponding to latest checkpoint at the time said each checkpoint report is generated, said each checkpoint report identifying a sequence number of its corresponding terminal data message, said each checkpoint report carrying size data of the latest checkpoint. [column 9, line 28-column 12, line 3; column 19, line 52-column 20, line 15]

Regarding claim 16, Naron discloses a method according to Claim 14, further comprising the step of synchronizing a first asynchronous upper layer process of a first asynchronous member of the multicast group with other members of the multicast group, said first asynchronous member not being said sequencer or one of said data or commit servers, said synchronizing step including the steps of said first asynchronous member retrieving a first checkpoint from said checkpoint servers; said first asynchronous process retrieving all committed data messages following terminal data message corresponding to the first checkpoint; delivering said first checkpoint to said first asynchronous upper level process; delivering said all committed data messages following the terminal data message corresponding to the first checkpoint to said first asynchronous upper level process; and said first asynchronous upper level process processing said delivered checkpoint and said delivered data messages to achieve a system state identical to system states of other members of the multicast group. [column 5, lines 22-47, specifically lines 37-47; column 9, line 28-column 12, line 3, specifically column 10, line 46-column 11, line 4]

Claim 15 is rejected under 35 USC 102(b) since claim 15 contains the same limitations as recited in claim 16.

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Regarding claim 17, Naron discloses a method according to Claim 18, wherein said each data message bears a corresponding logical timestamp, said logical timestamp including a most recent sequence number known to original sender of said each data message when said each data message was first sent. [column 8, line 62-column 9, line 12; column 21, lines 1-17]

Regarding claim 18, Naron discloses a method according to Claim 16, further comprising the step of the data servers deleting said stored messages that have logical checkpoints older by a maximum logical lifetime number at the time of deletion than a most recent sequence number known at the time of deletion. [column 14, line 64-column 15, line 12]

Regarding claim 19, Naron discloses a method according to Claim 14, further comprising the step of said data servers deleting the stored data messages that are older than the latest checkpoint. [column 11, lines 5-16]

Regarding claim 20, Naron discloses a method according to Claim 16, wherein the multicast group further includes stable storage writeable by said sequencer, said method further comprising the step of said sequencer storing in said stable storage said assigned sequence number before said step of notifying the commit servers. [column 19, lines 21-38]

Claim 21 is rejected under 35 USC 102(b) since claim 21 contains the same limitations as recited in claim 20.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5 778 187 A to Monteiro et al;

US Patent 5 541 927 A to Kristol et al;

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US Patent 6 031 818 A to Lo et al;

US Patent 5 216 675 A to Melliar-Smith et al;

US Patent 5 036 518 A to Tseung;

“A Reliable Multicast Framework for Light-weight Sessions and Application Level Framing” to Floyd, et al;

“Scalable Reliable Multicast”, retrieved 3 February 2003 from  
<http://www.cdt.luth.se/~peppar/docs/lic/html/node67.html>.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter whose telephone number is 703-305-4565. The examiner can normally be reached on Mon-Fri 9am-5:30pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn  
March 6, 2003

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**